

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-00417-D

ABIGAIL RATCHFORD, et al.,

Plaintiff,

v.

GIST & HENDRIX, LLC d/b/a SECRETS
CABERET and CAROLINA
HOSPITALITY, INC. d/b/a SECRETS
CABARET,

Defendants.

ORDER

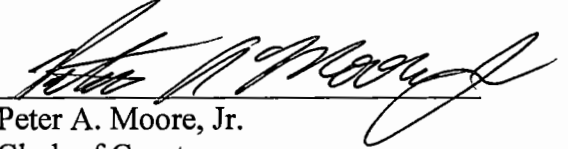
This matter is before the clerk on the request for entry of default filed by plaintiffs [DE-71] seeking entry of default as to defendant Carolina Hospitality, Inc., d/b/a Secrets Cabaret.

The motion is DENIED without prejudice for failure to comply with Local Civil Rule 55.1, which requires a party moving for entry of default to serve the party who has failed to appear with the motion in the manner provided in Fed. R. Civ. P. 5. The certificate of service states that the request for certificate of default was “filed with the U.S. District Court Clerk, Middle District of North Carolina, by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.” Request for Entry of Default [DE-71] at 3. Putting aside the misstatement about the specific court, the fact remains that Carolina Hospitality, Inc. d/b/a Secrets Cabaret could not be served via a notice of electronic filing because it has not appeared in this action.

Accordingly, the motion for entry of default is DENIED without prejudice. Any new motion for entry of default must comply with Local Civil Rule 55.1. Additionally, any new motion for entry of default must specifically address how service on “Jane Doe,” see Summons

Returned Executed [DE-65] at 1, complies with Fed. R. Civ. P. 4(h) or North Carolina or Florida law. See Fed. R. Civ. P. 4(h)(1(A); Fed. R. Civ. P. 4(e)(1).

SO ORDERED. This the 13 day of July, 2023.


Peter A. Moore, Jr.
Clerk of Court